GOVERNOR AND COUNCIL MINUTES State House, Concord, New Hampshire April 21, 2004 10:00 am

The Governor and Executive Council convened at 10:00 a.m. with all members present.

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Spaulding accepted the minutes of April 7, 2004.

The Governor and Executive Council, on motion of Councilor Burton, seconded by Councilor Griffin approved the appointment of several persons nominated for Civil Commissions from the April 7, 2004 meeting.

The Governor placed in nomination the several persons who applied for Civil Commissions.

RESIGNATION

The Governor and Council, with regret, accepted the following:

American & Canadian French Cultural Exchange Commission

Ronald O. Mailhot, Manchester Effective: April 21, 2004

Compensation Appeals Board

Nancy L. Lang, Hampton Effective: April 21, 2004

Board of Licensure of Interpreters for the Deaf and Hard of Hearing

Susan Wolf-Downes, Concord Effective: April 21, 2004

Transportation Appeals Board

George R. Cushman, Dunbarton Effective April 21, 2004

The Governor and Council, with thanks and regret, accepted the follow:

Department of Resources and Economic Development

Commissioner

George Bald, Somersworth Effective May 6, 2004

CONFIRMATIONS

The Governor and Council confirmed the following:

Board of Barbering, Cosmetology and Esthetics

Public Member Effective: April 21, 2004
Louise Lavertu, Chichester Term: July 1, 2009
(Replacing Jayne Tyson)

Enhanced 911 Commission

NH Fed. of Fire Mutual Aid Effective: April 21, 2004
Paul A. Szoc, Keene Term: July 22, 2006

(Replacing George L. Landry)

Office of Information Technology
Interim Chief Information Officer Effect

Interim Chief Information Officer Effective: April 21, 2004
Richard C. Bailey, Jr., Bow Term: Serves at the pleasure of the

(Filling Vacancy) Governor

Salary: \$95,000

Postsecondary Education Commission

Lay Public Effective: April 21, 2004 David L. Mahoney, Nashua Term: June 30, 2008

(Reappointment)

State Sweepstakes Commission

Arthur P. Klemm Jr, Windham
(Replacing James A. Shanahan)

Effective: April 21, 2004
Term: June 29, 2007

University System of New Hampshire Board of Trustees

Andrew E. Lietz, Rye Effective: April 21, 2004 (Reappointment) Term: June 30, 2008

Volunteer New Hampshire Board of Directors

Community-based Organization Effective: April 21, 2004 James W. Milliken, Concord Term: April 21, 2007

(New Position)

State Commission on the Status of Women

Anne B. Botteri, Bedford Effective: April 21, 2004 (Filling Vacancy) Term: October 20, 2006

The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, with Councilor Griffin and Councilor Spaulding voting NO, confirmed the following:

Fish and Game Commission

Rockingham County

Stephen J. Nottonson, Derry Effective: Upon Confirmation

(Replacing Douglas A. Ross) Term: June 29, 2008

The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Wheeler, with Councilor Griffin recusing herself, confirmed the following:

Department of Resources and Economic Development

Commissioner

Sean O' Kane, Groton, MA Effective: May 7, 2004

(Filling Vacancy) April 1, 2006

Salary: \$96,461, KK, 05

NOMINATIONS

The Governor nominated the following:

American & Canadian French Cultural Exchange Commission

Robert W. Therrien Sr., Keene Effective: Upon Confirmation (Replacing Ronald O. Mailhot) Term: February 6, 2010

Division of Children, Youth and Families Advisory Board

(Hillsborough County)

R. Craig Peterson, Merrimack Effective: Upon Confirmation

(Reappointment) Term: July 1, 2007

Deferred Compensation Commission

(Unclassified State Employee)

Richard M. Flynn, Dover Effective: Upon Confirmation

(Reappointment) Term: July 15, 2007

Fish and Game Commission

(Grafton County)

Sharon S. Guaraldi, Lebanon Effective: Upon Confirmation

(Reappointment) Term: June 29, 2009

Hazardous Waste Facility Siting Board

(Public Member)

Burnham Judd, Pittsburg Effective: Upon Confirmation (Filling Vacancy)

Term: December 28, 2004

Housing Finance Authority

(Real Estate-Selling or Renting)

Sandra Ziehm, Nashua Effective: Upon Confirmation

(Replacing Martha Bauman) Term: July 1, 2009

Board of Licensure of Interpreters for the Deaf and Hard of Hearing

Association of the Deaf

Joan E. Case Effective: Upon Confirmation (Replacing Susan Wolf-Downes) Term: October 10, 2006

Lakes Management Advisory Committee

BIA

Wendell Berry Jr., Newport Effective: Upon Confirmation

(Replacing Allan Palmer) Term: July 8, 2007

Board of Managers of the NH Veteran's Home

Disabled American Veterans Auxiliary

Wanda Furbish, Portsmouth Effective: Upon Confirmation

(Replacing Elizabeth W. Castricone) Term: March 1, 2006

New Hampshire Retirement System

Non-Member Trustee

Debra M. Douglas, Concord Effective: Upon Conformation

(Replacing Andrea Amodeo-Vickery) Term: July 13, 2006

New Hampshire School Building Authority

Jane M. Bergeron-Beaulieu, Litchfield Effective: Upon Confirmation

(Reappointment) Term: July 1, 2007

University System of New Hampshire Board of Trustees

Education

Walter R. Peterson, Peterborough Effective: Upon Confirmation

(Reappointment) Term: June 30, 2008

Veterans Council

Kenneth Leidner, Concord Effective: Upon Confirmation

(Reappointment) Term: June 30, 2007

BUSINESS FINANCE AUTHORITY

Authorized to hold a Public Hearing with respect to the financing of a loan to Mount Washington Valley Economic Council for the benefit of the Mount Washington Valley Technology Center located in Conway, NH. Action will authorize a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority if the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON APRIL 21, 2004 , CONCORD, NEW HAMPSHIRE

* * * * * * *

At approximately 10:35 a.m., the Governor announced that the next matter to be considered would be the purchase by the Business Finance Authority of a loan to be made by Mount Washington Valley Economic Council and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loan. The Governor then said that the meeting would hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, briefly explained the project and introduced Jac Cuddy, Executive Director of Mount Washington Valley Economic Council. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Burton

introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A LOAN PURCHASE UNDER RSA 162-A:7 WITH RESPECT TO A CERTAIN LOAN TO MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL" and moved its adoption, which was seconded by Councilor Wieczorek. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilor Burton, Councilor Spaulding, Councilor Griffin, Councilor Wieczorek, and Councilor Wheeler; those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

* * * * * * *

A RESOLUTION UNDER RSA 162-A:18 AWARDING A LOAN UNDER RSA 162-A:7 FROM THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to a loan by the Authority to Mount Washington Valley Economic Council (the "Borrower") in the original principal amount of up to \$1,000,000 to provide financing for the construction of a 25,000 sq. ft technology center on Route 16, Conway, New Hampshire (the "Loan")

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to authorize and approve the Loan by the Authority upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council will receive all the documentation and information with respect to the proposed Loan by the Authority; and

WHEREAS, further action by the Authority with respect to the proposed transaction is subject to the passage of this Resolution and cannot be taken until after its passage.

NOW, THEREFORE, it is hereby resolved that:

- 1. <u>Findings and Determination</u>. On the basis of the documentation and information received by the Governor and Council, after a public hearing, the Governor and Council find:
 - a. Special Findings.
 - (i) The Loan in consistent with local or regional development plans or policies.
 - b. <u>General Findings</u>.

- (i) The Loan that the Authority has proposed will serve a public use and provide a public benefit.
- (ii) The Loan that the Authority has proposed is within the policy of, and the authority conferred, by RSA Chapter 162-A.
- (iii) The Loan that the Authority has proposed will preserve or increase the social welfare or economic prosperity of the State and one or more of its political subdivisions, and will promote the general welfare of the State's citizens.
- (iv) The Loan that the Authority has proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- 2. <u>Approval</u>. Governor and Council approve the Loan by the Authority as recommended by the Authority and authorize the Authority to cause the execution and delivery of the loan documents substantially in the form submitted to Governor and Council and to take such further action as the act with respect to the transaction as may be required.

Item removed from Table

#2 The Governor and Executive Council, on motion of Councilor Griffin, seconded by Councilor Wieczorek, voted to remove Item #2 which was tabled at the March 10, 2004 Governor and Executive Council Meeting. Councilor Griffin, seconded by Councilor Burton, voted with a roll vote as follows: Councilor Burton – yes, Councilor Spaulding, - yes, Councilor Griffin - yes, Councilor Wieczorek, - yes. to hold a Public Hearing to approve an award of a State Guarantee under RSA 162-A:13-a with respect to a loan from Citizens Bank to Green Line Navigation Inc., in Portsmouth, New Hampshire. Action will authorize a Resolution under RSA 162:I-18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON APRIL 21, 2004 COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE

* At approximately 10:40 a.m., on a motion by Councilor Griffin, seconded by Councilor Wieczorek, the Council unanimously voted to take Table Item #2, the award of a State guarantee

under the Working Capital Line of Credit Guarantee Program of the Business Finance Authority in connection with a loan to be made by Citizens Bank to Green Line Navigation, Inc., off the table. The Governor then said that the meeting would hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority who briefly explained the project and introduced Captain Arain and James Thompson, Vice President of Citizens Bank. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Griffin introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13 WITH RESPECT TO A LOAN FROM CITIZENS BANK TO GREEN LINE NAVIGATION, INC." and moved its adoption, which was seconded by Councilor Wieczorek. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilors Burton, Councilor Spaulding, Councilor Griffin, Councilor Wieczorak, and Councilor Wheeler; those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

* * * * * *

A RESOLUTION UNDER RSA 162-A:18 AWARDING A STATE GUARANTEE UNDER RSA 162-A:13-a WITH RESPECT TO A LOAN FROM CITIZENS BANK TO GREEN LINE NAVIGATION, INC.

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to the award of a guarantee of the Authority in an amount equal to seventy-five percent (75%) of the principal amount of a loan up to \$400,000 from Citizens Bank to Green Line Navigation, Inc., pursuant to RSA 162-A:13-a (the Working Capital Loan Guarantee Program or the "WAG Program");

WHEREAS, the proposed guarantee would require the pledge of the full faith and credit of the Authority in an amount not to exceed seventy-five percent (75%) of the proposed financing;

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to award the recommended guarantee upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council have received all the documentation and information with respect to the proposed award of the Authority's guarantee which they have requested; and

WHEREAS, further action by the Authority with respect to the proposed transaction is subject to the passage of this resolution and cannot be taken until after its passage;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. <u>Findings and Determinations.</u> On the basis of the documentation and information received by the Governor and Council, and after a public hearing, the Governor and Council find:

(a) Special Findings.

(i) The award of the guarantee as proposed will contribute significantly to the success of the financing.

(ii) Reasonable and appropriate measures have been taken to minimize the risk of loss to the Authority and to ensure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(b) <u>General Findings.</u>

- (i) The award of the guarantee as proposed will serve a public use and provide a public benefit.
- (ii) The award of the guarantee as proposed is within the policy of, and the authority conferred by RSA Chapter 162-A.
- (iii) The award of the guarantee as proposed will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.
- (iv) The award of the guarantee as proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- 2. <u>Approval.</u> The Governor and Council approve the Authority's taking such further action under the Act with respect to the award of the guarantee as may be required and authorize the Authority to take such further action with respect to such proposed execution as is necessary and appropriate to carry out the proposed transaction.

OFFICE OF ENERGY AND STATE PLANNING

- #2 Authorized to enter into an agreement with the University of Maine at Machias, 9 O'Brien Ave, Machias, ME in the amount of \$68,665 to conduct research on ways to enhance the populations of softshell clams in the Hampton-Seabrook Harbor. Effective upon approval by G&C approval through December 31, 2005. **100% Federal Funds**
- Authorized to enter into an agreement with the NH Department of Transportation, NH Fish and Game Department, NH Department of Safety, Division of Fire Safety and Emergency Management, Bureau of Emergency Management and the NH Department of Environmental Services to provide \$30,000 (which includes the \$20,000 requested in 2. below) for the purposes of improving the existing GRANIT web site, archiving and distributing agency data through GRANIT database and providing technical support services for the development of GIS date and applications. Effective from the date of G&C approve to

- June 30, 2004. (2) Authorized to accept and expend additional funds in the amount of \$20,000 from the NH Department of Transportation and the NH Department of Environmental Services, from the date of G&C approval through June 30, 2004. **100% Other Funds**
- #4 Authorized to enter into an agreement with Rockingham Planning Commission, 156 Water Street, Exeter, NH in the amount of \$18,540 to provide planning assistance to town conservation commissions. Effective upon approval by G&C through June 30, 2005. **100% Federal Funds**
- #5 Authorized to enter into a contract with each of the New Hampshire Regional Planning Commissions as specified in letter of April 5, 2004 in the amount of \$1,500 for each Commission for a total of \$13,500. Effective from date of G&C approval through September 30, 2004. **100% Federal Funds**
- #6 Authorized to enter into an agreement with the US Geological Survey, 361 Commerce Way, Pembroke, NH in the amount of \$26,850 for Impervious Surface Study-Data Analysis and Outreach. Effective upon approval by G&C through December 31, 2004. **100% Federal Funds**
- #7 Authorized to amend an existing agreement with GZA GeoEnvironmental, Inc., 380 Harvey Road, Manchester, NH (previously approved by G&C on 7-21-99, item #14, and 10-23-02, item #1), by increasing the amount of the award from \$389,013 by \$14,700 for a new total of \$403,713 to fund a new contaminant assessment at a site in New Castle. **100% Federal Funds**
- #8 Authorized to amend an existing agreement with Granite State Designers and Installers, 76 South State Street, Concord, NH (previously approved by G&C on 9-3-03, item #1C), for the purpose of extending the project's end date from June 30, 2004 to December 31, 2004. No additional funds are required.

OFFICE OF THE ADJUTANT GENERAL

#9 The Governor and Executive Council on motion of Councilor Griffin, seconded by Councilor Wheeler, authorized Christopher E. Conley, Wolfeboro, NH, be confirmed to the rank of Lieutenant Colonel, NH Army National Guard.

DEPARTMENT OF ADMINISTRATIVE SERVICES

- #10 Authorized the Division of Personnel to **retroactively** permanently reclassify position #30019, Human Resources Specialist II, salary grade 24 to TI College Associate Professor, salary grade 22, on the academic schedule as of September 5, 2003. Effective upon G&C approval.
- #11 Authorized Bureau of Court Facilities to accept and expend a gift from the Rockingham County Bar Association of \$1,000 for the purpose of relocating the door lock security system within the Lawyers Conference Room in the Rockingham County Courthouse on Route 125, Brentwood, NH. Effective upon G&C approval through June 30, 2005.
- #12 Authorized the Division of Personnel to **retroactively** permanently reclassify position #10277, Human Services Specialist Assistant III, salary grade 14 (37.5 hour work week), to Systems Development Specialist I, salary grade 18, Step 2, as of July 1, 2003. Effective upon G&C approval.
- #13 Authorized a Working Capital Warrant in the amount of \$390,000,000. to cover expenditures for the month of May 2004. (2)Further Authorized the acceptance of a Working Capital Warrant reporting expenditures of \$396,392,120. for the month of March and recommends the balance of \$123,607,879.80 be lapsed.
- #14 Authorized to accept and place on file the list of agency transfers, as detailed in letter dated April 1, 2004 for Fiscal Year 2004 during the month of March.

- #15 Authorized the Salary Adjustment Fund and the Employee Benefit Adjustment Fund for agency transfers authorized for the month of March.
- #16 Authorized to accept and confirm the report of Authorizedd adjustments to agency's quarterly allotments for the period through March 31, 2004.
- #17 Authorized the quarterly revised schedule and status report of Capital Budget Projects, as detailed in letter of dated April 5, 2004, under Chapter 226, Laws of 1999; Chapter 32, Laws of 2000; Chapter 132, Laws of 2000, Chapter 283, Laws of 2000; Chapter 202, Laws of 2001; Chapter 81, Laws of 2002; and Chapter 240, Laws of 2003.

TREASURY DEPARTMENT

#18 The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of \$4,781.37 to the rightful owners of abandoned or unclaimed funds.

ATTORNEY GENERAL

The Governor and Council acted as follows:

- #19 Authorized to designate Dianne H. Martin as an attorney at a salary of \$43,000. Effective April 26, 2004.
- #20 Authorized to **retroactively** reappoint Ann F. Larney to an Assistant Attorney General for a five-year term. Effective October 31, 2003 through October 31, 2008.
- #21 **WITHDRAWN BY AGENCY** Request of Department of Justice to enter into sub grants in the amount of \$161,948 with the agencies and in the amounts as detained in letter dated April 8, 2004, for programs aimed to promote gun safety. Effective date of G&C approval to September 30, 2005. **100% Federal Funds.**

DEPARMENT OF CORRECTIONS

The Governor and Council acted as follows:

- #22 Authorized to enter into amendment #2 with Brigade Fire Protection, Inc., increasing the contract price limitation form \$64,340 to \$121,680 an increase of \$57,340 and extending the completion date from April 28, 2004 through April 28, 2006 for inspections and repairs on sprinkler systems at the New Hampshire Prison Facilities. All other terms and conditions remain unchanged. **100% General Funds**
- #22A Authorized to retroactively approve the continuation and extension of the 20% salary enhancement for position #19851, Chief Pharmacist, LG 28 and position #19848, Pharmacist LG 25, for an additional to year period upon G&C approval. (Retroactive from September 19, 2003 to September 19, 2005).
- #22B Authorized to reclassify position #9T800 (now position #42261), Corrections Counselor/Case Manager, A130, LG 18 to Program Specialist III, A130, LG 23, to be effective upon approval.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

- #23 Authorized to accept and place on file the "Informational Item" the Bureau of Ski Operation's report of season passes issued for Cannon Mountain for the quarter ending March 31, 2004.
- #24 Authorized to accept and place on file the "Informational Item" transfer of funds for Cannon Mountain ski area for the quarter ending March 31, 2004.
- #25 Authorized to enter into a contract with Dufrense-Henry, Inc., 175 Canal St., Manchester, NH in the amount of \$28,900. for electrical transmission engineering services for summit facilities, Mount

Washington State Park and Sargent's Purchase, NH. Effective upon G&C approval through September 30, 2004. **100% Capital**

- #26 Authorized the Division of Forests and Lands to enter into a sole-source contract with the University of New Hampshire, Complex Systems Research Center for a total cost not to exceed \$16,265. to develop a GIS-compatible database for state forest and park lands administered by the Department. Effective upon G&C approval with an ending date of September 30, 2004.
- #27 Authorized the Division of Travel and Tourism Development to amend the current contract with USA-800, Inc., Kansas City, Missouri (previously approved on 4-2-03, item #20), increasing the funding by \$35,000 for a new total of \$415,000 for fulfillment services through June 30, 2004. **100% General Funds**

EMPLOYMENT SECURITY

- #28 Authorized to enter into a **retroactive** service agreement with Slawsby Insurance Agency in an amount not to exceed \$198,600. for the period April 1, 2004 through March 31, 2007 for property (building & contents) insurance & liability coverage for NHES properties statewide. **100% Federal Funds**
- #29 Authorized to enter into a **retroactive** lease agreement with Sanel Realty, Inc. for rental of 2,800 square feet of storage space at 7 Theatre Street, Concord, for the period of five years beginning February 1, 2004 through January 31, 2009 at a cost of \$15,400. annually for a total price limitation of \$77,000. (2)Authorized suspension of the enforcement of RSA Chapter 10-B "Clean Indoor Air in State Buildings" because the space at issue will be used for storage. **100% Federal Funds**
- #30 Authorized to enter into a **retroactive** lease agreement with Key Road Associates for rental of 4,800 square feet of office space at 109 Key Road, Keene, NH. (2)Further Authorized the initial term of the lease only for two years beginning February 1, 2004 through January 31, 2006 at a cost of \$52,320.00 annually for the initial term price limitation of \$104,640. Request is subject of conditional approval of the Governor's Commission on Disability and air quality certification being obtained by the landlord. (3)Authorized an extended option to extend the lease prior to termination without amendment to the lease for an additional three years beginning February 1, 2006 through January 31, 2009 at the cost of \$52,320. annually for a total three year agreement extension cost of \$156,960 for a total agreement price limitation of \$261,600. **100% Federal Funds**
- Authorized to enter into a lease agreement with Larry Cooke Realty Trust, Brattleboro, VT for rental of 5,800 square feet of office space at 85 Mechanic St., Lebanon, NH. (2)Further Authorized the initial term of the lease only for three years beginning February 1, 2004 or the date of G&C approval, whichever is later, through January 31, 2007 or three years from the date of G&C approval, whichever is later, at a cost of \$56,640. annually for the initial term price limitation of \$169,920. Subject to the conditional approval of the Governor's Commission on Disability and air quality certification being obtained by the landlord. (3)Authorized an extended option to extend the lease prior to termination without amendment to the lease for an additional two years beginning February 1, 2007, or three years and one day from the original date of G&C approval, whichever is later, through January 31, 2009 for five years from the original date of G&C approval, whichever is later at a cost of \$56,640. annually for a total two year agreement extension cost of \$113,280. and a total agreement price limitation of \$283,200. for a five year lease period. **100% Federal Funds**
- #32 Authorized to enter into a service agreement with Keeley Painting Co., Inc. in the amount of \$5,750. for painting & wallpapering services at NHES's 10 West St., Concord, NH offices. Effective upon G&C approval through June 30, 2004. **100% Federal Funds**
- #33 Authorized to enter into a service agreement with LA Window Cleaning for window washing services at NHES's local and administrative offices at 32 South Main St., Concord, NH and 426 Union

Ave., Laconia, NH in the amount of \$3,390. annually for a three year agreement total of \$10,170. Effective upon G&C approval through June 30, 2006. **100% Federal Funds**

- #34 Authorized to enter into a **sole source** amended service agreement with NH Lock & Safe Co., Inc. (previously approved on 7-16-03 item #36), by increasing the agreement in the amount of \$5,000. by \$3,000. to the revised total of \$8,000. annually only for the current annual period effective with the date of G&C approval and ending June 30, 2004. **100% Federal Funds**
- #35 The Governor and Council on motion of Councilor Wheeler. seconded by Councilor Burton. authorized Division of Forests and Lands to accept and expend Federal Wildlife Habitat Incentives Program in the amount if \$6,300. for restoration and maintenance of wildlife habitat from G&C approval through September 30, 2008. (2)Further authorized an amendment to a Memorandum of Understanding between the NH Fish and Game Dept. and the Division of Forests and Lands for an additional \$2,100. to implement the conditions of the WHIP Program, effective upon G&C approval through September 30, 2008. (3) Authorized to accept and expend funds from the NH Fish and Game Dept. the amount of \$2,100. as State Matching funds to the WHIP grant from G&C approval through September 30, 2008.

FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

- #36 Authorized to enter into a contract with Eastern Analytical, Inc., Concord, NH in the amount of \$32,000. to perform wastewater monitoring chemical analysis at six fish hatchery facilities. Effective upon G&C approval through June 30, 2005 with an option to renew for an addition two-year period subject to G&C approval.
- #37 Authorized to enter into a Cooperative Agreement with the US Dept. of Agriculture, Animal Plant Health Inspection Service, Wildlife Services, regarding animal damage control management, mitigation and public education. Effective from G&C approval through April 7, 2005. (2)Authorized to accept and expend \$32,885 from USDA-WS. Effective from G&C approval through April 7, 2005.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- Authorized to accept and expend a \$127,000 grant award from the US Environmental Protection Agency for continued operation of a regional pollution prevention information center. Effective upon G&C approval through September 30, 2006. (2)Authorized to enter into a sole source contract with Northeast Management Officials' Association, Boston, MA in the amount of \$126,873 to provide pre-approved EPA funding for the Northeast Regional Pollution Prevention Center. Effective upon G&C approval through September 30, 2006.
- #39 Authorized to enter into a **sole source** contract with PerkinElmer LAS, Inc., Sheldon, CT in the amount of \$11,976. to provide two gas chromatographs and automated thermal desorbers' maintenance agreements with an option to renew for two one-year periods. Effective upon G&C approval through March 31, 2005. **100% Federal Funds**
- #40 Authorized to enter into an agreement with Energy Management and Control, Inc., Marlboro, MA in the amount of \$15,600 for turbine generator maintenance and repair. Effective July 1, 2004 through June 30, 2007.
- 41 Authorized to enter into a contract agreement with Aquatic Control Technology, Inc., Sutton, MA for \$3,924. for the control of an aquatic week infestation in Haunted Lake, Francestown, NH. Effective upon G&C approval through September 30, 2004. (2)Authorized to enter into a contract agreement with Aquatic Control Technology, Inc. Sutton, MA for \$4,450. for the control of an aquatic weed infestation in Melendy Pond in Brookline. Effective upon G&C approval through September 30, 2004. (3)Authorized to enter into a contract agreement with Lycott Environmental, Inc., Southbridge, MA for \$4,500 for the

control of aquatic weed infestation in Leavitt Bay in Ossipee. Effective upon G&C approval through September 30, 2004.

- Authorized to enter into a **sole source** agreement with the University of New Hampshire, Complex Systems Research Center, Durham, NH in the amount of \$10,000 to automate five 1:24,000-scale surficial geology maps. Effective upon G&C approval through June 30, 2004. Further Authorized an advance payment in the amount of \$2,500 in accordance with the terms of the Cooperative Project Agreement.

 (2) Authorized the DES to enter into a **sole source** contract with Carl Koteff, Herndon, VA in the amount of \$4,000. for geologic mapping services. Effective upon G&C approval through June 1, 2004. Further Authorized an advance payment in the amount of \$1,000. in accordance with the terms of the contract.
- #43 Authorized to enter into an agreement with Steven Hart d/b/a SH Custom Gates and Fences of NH, Gilmanton, NH in the amount of \$10,150 for security fence repair. Effective upon G&C approval through November 30, 2004.
- 444 Authorized to award a Local Source Water Protection grant to Pennichuck Water Works, Inc., Nashua, NH in the amount of \$13,500 to design and construct a stromwater infiltration system. Effective upon G&C approval through June 30, 2005.
- Authorized to award a Used Oil grant to the Town of Chesterfield, NH for \$2,500 for the purpose of improving and operating their Used Oil Collection Center. Effective upon G&C approval through April 21, 2005. (2) Authorized to award a Used Oil grant to the Town of Gilford, NH for \$728.50 for the purpose of improving and operating their Used Oil Collection Center. Effective upon G&C approval through April 21, 2005. (3) Authorized to award a Used Oil grant to the Town of Hampstead, NH for \$1,400. for the purpose of improving and operating their Used Car Collection Center. Effective upon G&C approval through April 21, 2005. (4) Authorized to award a Used Oil Grant to the Town of Henniker, NH, for \$2,242.50 for the purpose of improving and operating their Used Oil Collection Center. Effective upon G&C approval through April 21, 2005. (5) Authorized to award a Used Oil grant to the Town of Warner, NH for \$2,500 for the purpose of improving and operating their Used Oil Collection Center. Effective upon G&C approval through April 21, 2005. (6) Authorized to award a Used Oil grant to the Town of Wolfeboro, NH for \$2,500 for the purpose of improving and operating their Used Oil Collection Center.
- Authorized to **retroactively** amend a Water Supply Grant to the Town of Stratham, Stratham, NH, (previously approved by G&C on 6-25-03, item #156), by extending the completion date to December 31, 2004 from March 31, 2004. No additional funding is involved in this time extension.
- #47 Authorized to amend a loan agreement with the City of Rochester by increasing the amount of \$259,000 from \$521,000 to \$780,000 for the purposes of financing a water main replacement project. Effective upon approval by G&C.
- #48 Authorized to **retroactively** amend a contract with Sanborn, Head & Associates, Inc., Concord, NH, (previously approved by G&C in 9-17-03, item #69), by extending the contract from March 31, 2004 to June 30, 2004 for completing the Superfund Remedial Investigation/Feasibility Study for the Beede Waste Oil Superfund Site in Plaistow.
- #49 Authorized to change a name permit request to Deborah A. Gagnon Revocable Trust to construct a 6 ft. X 30 ft. permanent pier to a 3 ft. X 46 ft., ramp to 320 sq. ft. T-float, total dock length 106 ft., providing two slips on 150 ft. of frontage on property located at Captain's Landing on the Piscataqua River in Dover. (previously approved by G&C on 10-10-01.)
- #50 Authorized Ann Romeny's request to fill 840 sq. ft. to construct 48 linear ft. of breakwater, in a "dogleg" configuration, with a 6 ft. gap at the shoreline to protect an existing 55 ft. by 67 ft. dug-in boathouse. Retain 16 linear ft. of rip-rap, remove unpermitted fill and rip-rap along an additional 37 linear ft. of shoreline and replant the 20 ft. setback to the east property line and 20 ft. shore land buffer along the shore on an average of 277 ft. of frontage on property located at Lake Winnipesaukee in Wolfeboro.

BOARD OF MENTAL HEALTH PRACTICE

#51 NOT USED

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Governor and Council acted as follows:

Division for Children, Youth & Families

- #52 Authorized to enter into a contract with Susan Gimilaro, Bedford, NH for Early Childhood Credential application services, in an amount not to exceed \$16,000. Effective for the period June 1, 2004 through June 30, 2006. **100% Federal Funds**
- #53 Authorized to **retroactively** enter into an Education Tuition Agreement for \$1,179. for Jennifer Ruescher, Juvenile Probation and Parole Officer, for a course entitled "Social Welfare Policy II" at the University of NH from January 9, 2004 through February 14, 2004. **50% Federal Funds, 50% General Funds**

Office of Community & Public Health

- #54 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized the Breast and Cervical Cancer Program to enter into an agreement totaling \$36,740 with Kathleen King, 16 Chester St., Nashua, NH or provide public education services. Effective March 1, 2004 or date of G&C approval whichever is later, through June 30, 2005. **100% Federal Funds**
- #55 NOT USED

New Hampshire Hospital

- #56 Authorized to increase the annual salary of Charles L. Ravaris, MD, Unit Director/Medical by \$3,000. for being board certified. **100% General Funds**
- #57 Authorized to increase the annual salary of Kathleen M. Allden, MD, Unit Director/Medical by \$3,000. for being board certified. **100% General Funds**
- #58 Authorized to increase the annual salary of A. Evan Eyler, MD, Unit Director/Medical by \$3,000.for being board certified. **100% General Funds**

NEW HAMPSHIRE VETERANS HOME

#59 The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton, authorized to **retroactively** amend an existing **sole source** contract with Scott Meyer, MSW, PhD (previously approved on 9-2-02 Item #134B), by extending the price limitations by \$21,600 from \$28,800 to \$50,400. Retroactive from January 1, 2004 to June 30, 2005. **33% Federal Funds, 40% Income, 27% General Funds**

DEPARTMENT OF EDUCATION

- #60 Authorized to grant Debra Bunn, Vocational Rehabilitation Counselor II, paid education leave from June 18, 2004 through July 16, 2004.
- #61 NOT USED
- #62 Authorized to enter into contract with the University of New Hampshire, Durham, NH in an amount not to exceed \$223,292 to increase the subject matter knowledge and teaching skills of mathematics and science teachers through professional development activities. Effective upon G&C approval through September 30, 2005. **100% Federal Funds**

- #63 Authorized to enter into a **sole source** contract with Learning Innovations at WestEd, Stoneham, MA in an amount not to exceed \$30,000. to provide services surrounding the Quality Improvement Linking Together project. Effective upon approval by G&C through September 30, 2004. **100% Federal Funds**
- 464 Authorized to amend a contract with Charles W. Robinson, d/b/a South Hill Publications, Peterborough, NH (previously approved on 10-18-00, Item #83, renewed on 6-20-01, Item #271 and on 5-15-02, item #163), by increasing the approved amount of \$7,350. from \$54,000 to 61,350 and extending the end date to August 31, 2004 to provide technical assistance to schools regarding career assessment, guidance, and counseling for students with disabilities. Effective upon G&C approval through August 31, 2004. **100% Federal Funds**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

- Authorized Division of Safety Services to **retroactively** approve Sergeant David J. Ouellette and Sergeant Eric S. Robertson to travel to the US Coast Guard Training Center, Yorktown, VA Via state vehicle in lieu of common carrier, in the amount of \$1,102.85, to attend the 2004 Marine Patrol Officer Course February 1, 2004 through February 14, 2004. **100% Federal Funds**
- #66 Authorized Division of Fire Safety and Emergency Management to provide a \$4,000. emergency preparedness grant to the City of Nashua, NH in order to assist them in presenting a one-day workshop on Hazardous Materials. Effective upon G&C approval through April 30, 2004. **100% Federal Funds**
- #67 Authorized Division of State Police to accept and expend a \$22,940.75 grant from the Highway Safety Agency titled "State Police DWI Patrols." This grant will assist in increasing the DWI patrols in strategic areas of the state. Effective upon G&C approval through September 15, 2004.
- #68 Authorized Division of State Police to accept and expend a \$45,314.87 grant from the Highway Safety Agency titled "Join the NH Clique". This grant is intended to help further educate and enforce the 18 and under seatbelt law as well as promote its use over 18. Effective May 1, 2004-September 30, 2004.
- #69 Authorized the renewal permit of Bourbon Beach Association located on Newfound Lake in Alexandria, NH, for a congregate mooring field, renewal of six moorings.
- #70 Authorized the renewal permit of Camp Berea located on Newfound Lake in Hebron, NH, for a congregate mooring field, renewal of six moorings.
- #71 Authorized the renewal permit of Follansbee Cove Beach Association located on Newfound Lake, Alexandria, NH, for a congregate mooring field, renewal of nine moorings.

DEPARTMENT OF TRANSPORTATION

- #72 Authorized to accept and place on file the Bureau of Right of Way's Contemplated Award List for the period of March 18, 2004 through April 1, 2004.
- #73 NOT USED
- #74 Authorized the Bureau of Turnpikes to continue membership and participation in the amount of \$17,500., with the E-ZPass Group, 636 Plunk Rd, Ste. 200, Clifton Park, NY for calendar years 2004 and 2005.
- #75 Authorized Bureau of Rail and Transit to pay the New Hampshire and Vermont Railroad Company an amount not to exceed \$25,000. from the Special Railroad Fund for the purchase of railroad track materials and equipment for the continued maintenance of active state owned railroad lines. 100% Other Funds

#76 Authorized Bureau of Right of Way to lease 14,650 sq. ft. of state owned land in Plymouth to Alex Ray, LLC for a period of 5 years at \$3,650. per year with an option for an additional 5 years at the then current market value along with a one-time administration fee of \$500.

#77 NOT USED

- #78 Authorized Bureau of Construction contract with Delucca Fence Co, Inc., Methuen, MA on the basis of a low bid of \$844,278.84 for the removal of existing cable and beam guardrail and replacing it with new beam guardrail and approved end treatments along NH Route 10. Effective upon G&C approval with a final completion date of October 1, 2004.
- #79 Authorized Bureau of Construction contact with N. Pandelena Construction, Co., Hampstead, NH on the basis of a low bid of \$373,153 for roadway reconstruction of NH Route 111 A beginning approximately 700 feet west of Langdon Road and ending approximately 900 feet east of Langdon Road. Work also includes approximately 150 feet of Langdon Road at its intersection with NH 111 A.

 #80 Authorized Bureau of Public Works to enter into an agreement with Tennant/Wallace Architects,

AIA, PA, 74 West Merrimack Street, Manchester, NH for a lump sum price of \$85,020. for professional architectural services for the design of the library addition and renovations, NHCTC, Stratham, NH.

#81 NOT USED

#82 TUITION REQUESTS

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, authorized the requests:

- **A. ADMINISTRATIVE SERVICES -** Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$642.00 for the sole purpose of enrolling Donna Raymond, Administrator III, in the course entitled "American Experience".
- **B. COMMUNITY TECHNICAL COLLEGE** Request permission to pay the University of New Hampshire, Durham, NH, the sum of \$467.00 for the sole purpose of enrolling Pat Finnigan Allen, Associate Professor, in the course entitled "Teaching with Writing".
- **COMMUNITY TECHNICAL COLLEGE -** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$468.00 for the sole purpose of enrolling Susan Gatton, Administrative Assistant, in the on-line course entitled "Cost Accounting II".
- **D. EDUCATION -** Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$1,572.00 for the sole purpose of enrolling Craig Dailey, Disability Adjudicator/Examiner, in the course entitled "Public Planning and Budgeting".
- **E. EDUCATION -** Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$1,572.00 for the sole purpose of enrolling Craig Dailey, Disability Adjudicator/Examiner, in the course entitled "Seminar in Public Administration/Local & State Government".
- **F. EDUCATION** Request permission to pay the Professional Career Development Institute, Norcross, GA, the sum of \$315.60 for the sole purpose of enrolling Linda Turner, Clerk IV, in the Internet courses entitled "Introduction to Psychology" and "Principles of Management".
- **G. EDUCATION -** Request permission to pay Franklin Pierce College, Concord, NH, the sum of \$650.00 for the sole purpose of enrolling Scott Vittner, Assistant Vending Stand Coordinator, in the course entitled "Senior Liberal Arts Seminar".

- **H. ENVIRONMENTAL SERVICES -** Request permission to pay the University of New Hampshire, Durham, NH, the sum of \$450.00 for the sole purpose of enrolling Jeffrey Marcoux, Water Pollution Sanitarian I, in the course entitled "U.S. Army Corps Wetland Delineator Methods".
- **I. ENVIRONMENTAL SERVICES** Request permission to pay the University of New Hampshire, Durham, NH, the sum of \$450.00 for the sole purpose of enrolling Aaron Wechsler, Water Pollution Sanitarian I, in the course entitled "U.S. Army Corps Wetland Delineator Methods".
- **J. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families -** Request permission to pay Boston University, Boston, MA, the sum of \$1,375.00 for the sole purpose of enrolling Alyssa Adams, Child Protective Services Worker, in the course entitled "Adult Psychopathology".
- **K. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families -** Request permission to pay Wheelock College, Boston, MA, the sum of \$1,360.00 for the sole purpose of enrolling Dawn Rouse, Program Specialist I, in the course entitled "Meaning and Development of Play".
- L. HEALTH & HUMAN SERVICES, Office of Community & Public Health Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$1,179.00 for the sole purpose of enrolling Donna Fleming, Supervisor IV, in the course entitled "Public Health, Work, Environmental Policy and Health of Workers".
- **M. LIQUOR COMMISSION -** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Christina Demers, Statistician I, in the course entitled "Environmental Issue".
- **N. LIQUOR COMMISSION -** Request permission to pay Southern New Hampshire University, Manchester, NH, the sum of \$699.00 for the sole purpose of enrolling Margaret LaBrecque, Accountant IV, in the course entitled "Principals of Management".

#83 TRAVEL REQUESTS

The Governor and Executive Council on motion f Councilor Burton, seconded by Councilor Wieczorek, authorized the request:

A. SAFETY - Request permission for (2) employees, Scott Bryer, Chief of Road Toll Operations, and Ann Cote, Road Toll Auditor III, or designee, to travel to Quebec City, Quebec, Canada, on May 16 – 19, 2004, to attend the NE Regional Motor Fuel FTA Meeting. Permission is also requested for a waiver to exceed the 300-mile radius by state vehicle. Total Cost: \$1,748.00. Source of Funds: 100% Highway Funds. Registration Fee: \$550.00.

LATE ITEMS

DEPARTMENT OF REVENUE ADMINISTRATION

A. The Governor and Executive Council on motion of Councilor Burton, seconded by CouncilorWheeler, authorized the Dept. of Revenue to enter into an agreement with KREMCO Transport Inc. (Vendor Code 121117), Lochmere, New Hampshire in the amount of \$9,000. for transport services. The contract commences upon Governor and Council approval through May 1, 2004.

DEPARTMENT OF SAFETY

B. The Governor and Executive Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized Division of Motor Vehicles to reclassify position #10547, Administrative Assistant II, labor grade 19 to Supervisor I, labor grade 19. There is no increase in salary or benefit cost with this request.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

C. The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wheeler, authorized the Office of Community and Public Health, Bureau of Maternal and Child Health to amend an agreement with Ammonoosuc Community Health Services, 25 Mt. Eustis Rd., Littleton, NH, by increasing the price limitation by \$94,975 from \$1,063,651 to \$1,158,626 to provide primary care services and to implement new business practices that will yield long-term efficiencies and effects thereby improving financial viability of the agency.

Next Council meeting is scheduled for Wednesday, May 5, 2004 at 10:00 a.m. at the State House in Concord, NH.

The Honorable Board then Adjourned